

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application in light of the present amendments and following discussion is respectfully requested.

Claims 1-13 are presently active. Claims 1, 3, 4 and 5-10 have been presently amended. Claims 11-13 have been added. No new matter was added, as the amended independent claims have been rewritten to include allowable subject matter, and the dependent claims recite subject matter found in the original claims.

In the outstanding Office Action, Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moku et al. (Japanese Publication No. 2003-059948-Translation) in view of Applicant's Figure 3. Claims 4, 5, 9 and 10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Firstly, Applicant acknowledges with appreciation the indication of allowable subject matter in Claims 4, 5, 9 and 10.

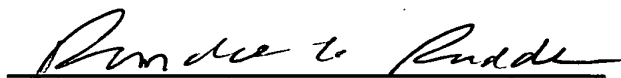
Secondly, regarding the objection to Figure 3, it is respectfully submitted that the caption added in the previously filed response "Related Art" is appropriate, as there is no indication in the specification that this drawing contains information that would qualify under 35 U.S.C. 102 as prior art. Thus, it is respectfully submitted that drawing is related art, as noted in the specification. Hence, the drawing objection is moot in view of this consideration.

Thirdly, in order to expedite allowance of the present case, the subject matter of Claims 4 and/or 5 have been included in the independent claims. Accordingly, independent Claims 1, 5, 7, and 10 (and the claims dependent therefrom) contain allowable subject matter and define over the art of record.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Ronald A. Rudder, Ph.D.  
Registration No. 45,618